

UNITED STATES BANKRUPTCY COURT

WESTERN DISTRICT OF MICHIGAN

WYRICK, KENNETH L. &
WYRICK, SANDRA K.

Case no. 19-00198 swd
Chapter 12
Hon. Scott W. Dales
Hearing: 05/30/19
9:30 AM, Grand Rapids

Debtor(s)

OBJECTION TO CONFIRMATION OF CHAPTER 12 PLAN
PROOF OF SERVICE

Trustee Marcia R. Meoli objects to the plan filed in this proceeding based on these grounds:

1. Debtor filed a petition for relief under chapter 12 of the Bankruptcy Code on January 17, 2019.
2. Debtor filed a proposed chapter 12 plan on April, 17, 2019. DN 39.
3. The plan does not meet the requirements of the Bankruptcy Code, because:
 - A. Secured creditors have not accepted and have objected to the plan. DN 57 AND 66. Trustee asserts their concerns as stated in their objections. 11 USC 1225(a)(5).
 - B. The debtor will not be able to make all payments under the plan or otherwise comply with the plan, according to the information provided to the trustee. 11 USC 1225(a)(6). Particularly: the 2018 tax returns show a loss, even after one adds back in the depreciation deduction. Debtors have supplied only one monthly report, from March 2019, and that shows a loss. The MMPA statement does not show that the debtor can make the full monthly payment identified in the plan.

4. Trustee had questions not answered by the debtor:

A. ARTICLE III of the plan is where the debtors address submission of all future earnings/income to the trustee as necessary for execution of the plan. Trustee sees a potential typographical error in referring to section 522(a) (1) and does not see exact language matching the statute on this.

B. Trustee does not understand why some creditors set for direct pay:

MID ATLANTIC, C20, \$63,729.26.
RONALD ARENS, C33, \$79,205.00
The ANDERSONS, C38, \$49,160.12
Wes Swanson, C45, \$53,825.40

5. Trustee received a notice from the INTERNAL REVENUE SERVICE that the debtors have not filed 941 returns from 3/2013 to 3/2019 or the income tax return for 2018.

WHEREFORE, trustee that the plan not be confirmed and that the court grant further relief deemed proper.

May 23, 2019

MARCIA R. MEOLI, PLLC
Attorneys for trustee

By: /S/Marcia R. Meoli _____
Marcia R. Meoli (P42182)

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PROOF OF SERVICE

The above document was served on interested parties, by ordinary mail with postage prepaid as follows.

Debtor attorney, served via CM/ECF

Objecting creditors, via CM/ECF

/S/Marcia R. Meoli _____
Marcia R. Meoli